

City of Healdsburg is not clearly irreconcilable with *Davis*. *Davis* holds that an opinion that concurs in the judgment that is “the logical subset of other, broader opinions” is the “narrowest grounds” and controlling under *Marks*. See *Davis*, 825 F.3d at 1024, 1028. Contrary to Robertson’s argument, *Davis* did not forbid consideration of dissents while engaging in the *Marks* analysis. See *Davis*, 825 F.3d at 1025. Consequently, so long as the opinion that is a “logical subset” is an opinion that concurred in the judgment, the “broader opinion” of which it is a subset can be a dissent.

The overarching issue in *Rapanos* was whether the breadth of the Corps’ regulations was permissible. The narrowest holding was the one that restrained the Corps’ authority the least. See *Rapanos*, 547 U.S. at 810 n.14 (Stevens, J., dissenting) (“I assume that Justice Kennedy’s approach will be controlling in most cases because it treats more of the Nation’s waters as within the Corps’ jurisdiction . . .”); *Robison*, 505 F.3d at 1221 (“The issue becomes whether the definition of ‘navigable waters’ in the plurality or concurring opinions in *Rapanos* was less far-reaching (i.e., less-restrictive of CWA jurisdiction).”); *Gerke*, 464 F.3d at 724–25 (concluding Justice Kennedy’s “test is narrower (so far as reining in federal authority is concerned) than the plurality’s in most cases”). The opinion restricting federal agency discretion the least was Justice Stevens’s dissent, which would have provided for the broadest federal jurisdiction of all, and which stated explicitly that it would be satisfied and uphold the Corps’ jurisdiction whenever either the plurality’s or Justice Kennedy’s test was met. See *Rapanos*, 547 U.S. at 810 (Stevens, J., dissenting).

But under the standard announced in *Marks*, when we interpret *Rapanos* we are to find our standard in the

narrowest opinion joining in the judgment. So the dissent that did not support the judgment is out for this purpose. We have a contest then between the plurality opinion of Justice Scalia and the concurring opinion of Justice Kennedy, both of which supported the majority judgment. Both the plurality and Justice Kennedy's opinions can be viewed as subsets of Justice Stevens's dissent because both narrow the scope of federal jurisdiction. Justice Kennedy's concurrence, however, is narrower than the plurality opinion because it restricts federal authority less. *See Rapanos*, 547 U.S. at 810 n.14 (Stevens, J., dissenting).

Although it does not go through this subset analysis explicitly, *Gerke* does recognize that Justice Kennedy's concurrence fits within the dissent, and that it narrows federal authority less than the plurality's decision. *See Gerke*, 464 F.3d at 724–25 (explaining that “[t]he four dissenting Justices took a much broader view of federal authority” than either Justice Kennedy or the plurality, and that Justice Kennedy's grounds were narrower because the plurality criticized Justice Kennedy's expansive reading, and Justice Kennedy rejected the two limitations the plurality would have imposed on federal authority). Its reasoning—how it gets to the “narrowest” opinion—is not completely undercut by *Davis*. *See Rodriguez*, 728 F.3d at 980. *Gerke*—and *City of Healdsburg*, which adopted and relied upon *Gerke*'s reasoning—are not “clearly irreconcilable” with *Davis*. *City of Healdsburg* remains valid and binding precedent. Here, jurisdiction was determined to exist under the “significant nexus” test set forth in Justice Kennedy's concurrence in *Rapanos*. We hold that there was no error in this.

IV

Robertson next argues that the statutory term “waters of the United States” is “too vague to be enforced in the due process sense,” because Robertson could not have had “fair warning” of the meaning of that term. He asserts that he did not have fair warning because, in light of *Davis*, *City of Healdsburg* is no longer good law.

Robertson had fair warning that his conduct was criminal. The Government violates the Fifth Amendment’s guarantee of due process if it “take[s] away someone’s life, liberty, or property under a criminal law so vague that it fails to give ordinary people fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement.” *Johnson v. United States*, 135 S. Ct. 2551, 2556 (2015). The underlying “principle is that no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed.” *United States v. Lanier*, 520 U.S. 259, 265 (1997).

The “touchstone” of whether a statute is unconstitutionally vague, on the one hand, or the defendant instead had fair notice, on the other hand, “is whether the statute, either standing alone or as construed, made it reasonably clear at the relevant time that the defendant’s conduct was criminal.” *Id.* at 267. So long as prior to the defendant’s offense there were decisions which gave “reasonable warning that the law [will] be applied in a certain way,” the defendant had fair warning that his conduct was criminal. *See Gollehon v. Mahoney*, 626 F.3d 1019, 1024 (9th Cir. 2010).

Robertson does not challenge the general validity of the criminal provisions of the CWA. His argument relies primarily on the effect of *Davis* on *City of Healdsburg*. As

explained above, *Davis* does not undermine the continuing validity of *City of Healdsburg* for purposes of jurisdiction. As for the notice issue, the conduct at issue in this case took place between October 2013 and October 2014, well after this court had issued *City of Healdsburg* and had held that Justice Kennedy’s test controlled CWA jurisdiction, and well before this court’s decision in *Davis*. See *Davis*, 825 F.3d 1014 (published June 13, 2016); *City of Healdsburg*, 496 F.3d at 995 (case published in 2007). Robertson was on notice from *City of Healdsburg* at the time of his excavation activities that wetlands and non-navigable tributaries are subject to CWA jurisdiction “if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as ‘navigable.’” *Rapanos*, 547 U.S. at 780. The jury was instructed in these terms, and convicted Robertson, holding that the elements of his crime were shown beyond a reasonable doubt. *Davis*—which was not decided until 2016, long after Robertson’s conduct forming the basis for his convictions—does not affect whether Robertson had fair notice at the time of his excavation activities.²

V

Robertson next argues that the district court should have granted his Federal Rule of Criminal Procedure 29(c) motion to acquit after the jury deadlocked at his first trial. This circuit has not explicitly addressed whether a defendant has

² Also, Robertson was warned by an EPA agent that he likely needed a permit to authorize his excavations. According to the agent, Robertson was warned that “if he did not have a permit, then he very likely needed a permit.”

a viable sufficiency of the evidence challenge to his first trial, when his second trial ended in conviction.

If Robertson had prevailed on his sufficiency challenge at the first trial, any subsequent attempt to try him would have been barred on double jeopardy grounds. But such a claim is foreclosed because the Supreme Court in *Richardson v. United States* held that even where the Government has presented inadequate evidence at the first trial and the jury deadlocks, if the trial judge rejects the defendants' insufficiency arguments, double jeopardy protections do not bar a second trial. 468 U.S. 317, 326 (1984) ("Regardless of the sufficiency of the evidence at petitioner's first trial, he has no valid double jeopardy claim to prevent his retrial.").

Several other circuits have held that by necessary extension *Richardson* also forecloses any challenge to the sufficiency of evidence at a prior trial after a conviction at a later trial. See *United States v. Achobe*, 560 F.3d 259, 265–68 (5th Cir. 2008); *United States v. Julien*, 318 F.3d 316, 321 (1st Cir. 2003); *United States v. Willis*, 102 F.3d 1078, 1081 (10th Cir. 1996); *United States v. Coleman*, 862 F.2d 455, 460 (3d Cir. 1988).³ We believe that these decisions are correct, and we now join them.

³ In *United States v. Recio*, we held that *Richardson* did not bar us from considering whether defendants "may be prosecuted at a *third* trial if the Government presented insufficient evidence at the first." 371 F.3d 1093, 1104 (9th Cir. 2004). We explained that "[t]he procedural posture of this case allows us to consider this question because the third trial has not yet begun." *Id.* at 1104–05. We specifically declined to address the question of whether defendants "could also use their first-trial insufficiency argument to challenge their second trial on double jeopardy grounds." *Id.* at 1105 n.9.

Richardson makes clear that the Double Jeopardy Clause is not implicated simply because the Government presented insufficient evidence at a previous trial, and absent double jeopardy protections, a finding that insufficient evidence was offered at the first trial would have no impact on the validity of the second trial. We hold that a criminal defendant cannot challenge the sufficiency of the evidence presented at a previous trial following a conviction at a subsequent trial.

VI

Robertson argues that there are three reasons why the district court erred in allowing Todd Tillinger, the Montana State Program Manager for the Corps and Supervisory Civil Engineer, to testify as an expert witness. First, Robertson asserts that because the law on what constitutes a “water of the United States” subject to CWA jurisdiction is unclear, “the subject matter of [Tillinger’s] testimony was not suitable for expert witness consideration.” Second, Tillinger’s testimony was based on “guidance documents,” which do not have the force of law. Finally, Robertson argues that the district court should have rejected Tillinger as an expert witness “because his jurisdictional determination relied heavily on what is termed an ordinary high water mark,” which Justice Kennedy rejected as the determinative measure of whether a water is subject to the CWA.

Robertson’s arguments are not persuasive. First, it is the district court—not an expert witness—that instructs the jury on what the law is. *See U.S. v. Weitzsenhoff*, 35 F.3d 1275, 1287 (9th Cir. 1993). Here, the court gave the jury clear instructions on both the elements of a CWA violation, and

the meaning of the term “waters of the United States.”⁴ As discussed above, the law itself is not unclear.⁵

Robertson’s second argument is both belied by the record and beside the point. The expert disclosure statement that Robertson relies upon for his argument states that Tillinger “has substantial training and experience in the identification and classification of streams and wetlands to determine if they are considered ‘waters of the United States’ subject to federal regulation under the Clean Water Act (‘CWA’); implementing regulations; standards set forth in the United States Supreme Court’s opinion in *Rapanos v. United States*, 547 U.S. 715 (2006); and the following EPA/Army Corps of Engineers post-*Rapanos* guidance

⁴ Jury Instruction 14 provided: “In order for you to find the defendant guilty of the crimes contained in Counts I or III, the government must prove each of the following elements beyond a reasonable doubt . . . 3. That the discharge was to a ‘water of the United States.’” Jury Instruction 22 provided: “The term ‘waters of the United States’ includes traditional navigable waters and tributaries and/or adjacent wetlands that have a significant nexus to traditional navigable waters. A tributary or adjacent wetland has a significant nexus to traditional navigable waters if it (either alone or in combination with similarly situated water bodies in the region) significantly affects the chemical, physical, or biological integrity of traditional navigable waters.” These instructions follow the standard set out in Justice Kennedy’s concurrence, and that we adopted as controlling in *City of Healdsburg*. See *Rapanos*, 547 U.S. at 780; *City of Healdsburg*, 496 F.3d at 999–1000.

⁵ Robertson does not assert that Tillinger improperly testified on the ultimate issue of law. His argument appears to be that the law is unclear, and it was improper for any expert to testify about “waters of the United States.”

documents” Tillinger based his evaluation on regulations, *Rapanos*, and guidance documents.

It does not matter which sources of authority (binding regulations or enforcement guidelines that lack the force of law) Tillinger used in evaluating waters and wetlands because it is the jury, using the instructions provided by the judge, that ultimately determines whether the creek and wetland at issue were “waters of the United States.” *See United States v. Phillips*, 367 F.3d 846, 855 n.25 (9th Cir. 2004) (explaining that “whether the water is navigable [*i.e.*, is subject to CWA jurisdiction] is part of one element of a CWA violation,” which the Government can be required to prove at trial).

Robertson’s third argument is also unpersuasive. At the first trial, Tillinger testified that in determining whether the channel had a continuous or relatively permanent flow he looked for a high water mark.⁶ Although Justice Kennedy stated in *Rapanos* that the presence of an ordinary high water mark on a tributary could not be “the determinative measure” of whether a wetland adjacent to that tributary is covered by the CWA, he did not forbid the consideration of an ordinary high water mark. *See Rapanos*, 547 U.S. at 781. That Tillinger discussed using a high water mark in his evaluation of whether the channel next to the wetland was a tributary does not render his testimony improper. Regardless, it was the jury (not Tillinger) that—using the court’s instructions that did not mention the ordinary high

⁶ Robertson does not provide a citation for his assertion that Tillinger’s jurisdictional determination relied on the ordinary high water mark. The Government cites to Tillinger’s testimony from the first trial. The parties do not direct us to any specific testimony from the second trial where Tillinger allegedly relies on the ordinary high water mark.

water mark—made the final determination that the creek and wetlands at issue were “waters of the United States.” We reject Robertson’s challenges to Tillinger’s testimony because there was no abuse of discretion in allowing it.

VII

Robertson next argues that the district court erred in excluding two documents: the U.S. Army Corps of Engineers Jurisdictional Determination Form Instruction Guidebook and the Crystal Mine Study. He asserts that the district court should have admitted the Manual because it would have permitted Robertson to show that the Corps “was making its jurisdictional determination on a factor expressly forbidden by Justice Kennedy under his substantial nexus test.” He argues that the district court should have admitted the Crystal Mine Study because it showed “that the water quality of the Cataract drainage is very poor due to the extensive mining activity,” and the Study “could have supported his argument of insubstantial connection between the wetlands and the Jefferson river.”

The district court did not abuse its discretion in excluding either the Guidance Manual or the Crystal Mine Study. The district court is given “wide latitude” to determine “the admissibility of evidence because [the trial judge] is in the best position to assess the impact and effect of evidence based upon what [the judge] perceives from the live proceedings of a trial.” *Layton*, 767 F.2d at 554 (quoting *United States v. Ford*, 632 F.2d 1354, 1377 (9th Cir. 1980)).

The district court explained that the Guidebook is used by the Corps “in its performance of jurisdictional determinations and, as such, discusses the applicable regulations and the law.” The court excluded the Guidebook under Federal Rule of Evidence 403, concluding that “the

danger of confusing the issues and misleading the jury substantially outweighed the potential probative value of admitting the entire Guidebook.” As the district court properly explained, the court provides the law to the jury. *See, e.g., Weitzsenhoff*, 35 F.3d at 1287. The Guidance Manual explains how and when the Corps will assert CWA jurisdiction over wetlands and non-navigable tributaries. It was within the district court’s discretion to conclude that the Guidance Manual could confuse the jury because the standards and considerations outlined in the Manual were not the same as the jury instructions, i.e., the law that the jury had to follow.⁷ The district court did not abuse its discretion in excluding the Guidance Manual.

The district court likewise did not abuse its discretion in excluding the Crystal Mine Study. The district court concluded that the Study was not relevant and that “the potential prejudice from its introduction strongly outweighs any probative value.” It excluded the Study under Federal Rules of Evidence 401 and 403. The district court acted well within its discretion. Whether a wetland or non-navigable water has a significant nexus to a traditionally navigable water has nothing to do with whether the traditionally navigable water is healthy. Robertson does not support his novel argument that a “significant nexus” exists only when a wetland would be polluting an otherwise clean water, with any authority. Also, this argument undermines the very purpose of the CWA, “to *restore* and maintain the chemical,

⁷ As explained above, Robertson’s arguments regarding references to the Ordinary High Water Mark and how the Corps’ determines CWA jurisdiction are unpersuasive. The district court provided jury instructions, and the jury (following those instructions) made the determination that the discharge was into “waters of the United States.” How the Corps makes CWA jurisdictional determinations is not controlling for the purposes of this criminal appeal.

physical, and biological integrity of the Nation's waters." *See* 33 U.S.C. § 1251(a) (emphasis added). In light of this purpose, it would not make sense to conclude that the CWA protects only clean waters from pollution from their non-navigable tributaries, because that would disregard the CWA's restoration purpose. The district court did not abuse its discretion by excluding the Crystal Mine Study, which addressed the existing contamination in the watershed.⁸ We reject Robertson's challenges to the district court's rulings on the rules of evidence. There was no abuse of discretion.⁹

AFFIRMED.

⁸ Robertson properly states that the standard of review for decisions on the admissibility of evidence is abuse of discretion. However, he also seems to suggest that the court should review the decisions to determine whether exclusion of the evidence resulted in constitutional error. Robertson does not present any substantial argument as to how exclusion of either the Guidance Manual or the Crystal Mine Study resulted in constitutional error. Nor could he do so. As explained above, exclusion of both pieces of evidence was proper. Not only that, but the district court allowed Robertson to question witnesses using the Guidance Manual and allowed Robertson to have the witness read relevant portions of the Manual into the record.

⁹ Robertson argues that if we reverse on Counts I and III, those counts will no longer be "offenses of conviction," and "the district court's restitution order should be vacated and the issue should be remanded for reconsideration." Robertson does not otherwise challenge the district court's restitution order. Because we affirm the convictions, we also affirm the restitution award.

From: Palich, Christian
Location: Dirksen office – SD-410.
Importance: Normal
Subject: Bill Wehrum Meeting w/ Senate EPW
Start Date/Time: Mon 10/2/2017 7:00:00 PM
End Date/Time: Mon 10/2/2017 8:00:00 PM

From: Dunham, Sarah
Location: WJC-N 5400
Importance: Normal
Subject: General Discussion of OAR Issues
Start Date/Time: Tue 10/3/2017 8:00:00 PM
End Date/Time: Tue 10/3/2017 9:00:00 PM

To: Dunham, Sarah; Bill Wehrum; Gunasekara, Mandy; Ringel, Aaron; Shimmin, Kaitlyn

Cc: Lewis, Josh; Haman, Patricia;

From: Ringel, Aaron
Location: EPA 3428
Importance: Normal
Subject: Meeting with Bill Regarding Hearing
Start Date/Time: Thur 9/28/2017 2:00:00 PM
End Date/Time: Thur 9/28/2017 2:30:00 PM

From: Palich, Christian [<mailto:palich.christian@epa.gov>]
Sent: Wednesday, September 27, 2017 9:00 AM
To: Wehrum, William L.
Cc: Ringel, Aaron; Lyons, Troy; Frye, Tony (Robert)
Subject: Quick Chat Today

Hi Bill,

I wanted to see if you would have a couple minutes today to talk about some potential questions and themes that you would like majority members to question you on. We have an idea of these but of course what your input.

Please let me know when you have some time to talk today and we will give you a call.

Thank you!

Christian R. Palich

Deputy Associate Administrator

From: Lyons, Troy
Location: Hearing Room 1152 WJC East
Importance: Normal
Subject: Mock Hearing for Senate Confirmed Nominees (10:00 AM)
Start Date/Time: Fri 9/15/2017 2:00:00 PM
End Date/Time: Fri 9/15/2017 4:00:00 PM

10:00 AM to 12:00 PM: Mock Hearing

From: Dunham, Sarah

Location: WJC-N 5400 + Video with OAQPS & OTAQ + Ex. 6 - Personal Privacy Participant Code:

Ex. 6 - Personal Privacy

Importance: Normal

Subject: CONFIRMED - General Discussion of OAR Issues

Start Date/Time: Mon 9/11/2017 6:00:00 PM

End Date/Time: Mon 9/11/2017 8:00:00 PM

CONF ID 612389 CONFIRMED: General Discussion - OAR

To: Dunham, Sarah; Lewis, Josh; Shaw, Betsy; Page, Steve; Grundler, Chris; Edwards, Jon; Harvey, Reid; DeMocker, Jim; Lyons, Troy; Ringel, Aaron; Haman, Pat

From: Delahoyde, Magdelana A. EOP/WHO

Location: **Dial-In:** **Leader Code:** **Participant Code:**

Importance: Normal

Subject: CAFE-GHG Update Call

Start Date/Time: Mon 11/20/2017 10:00:00 PM

End Date/Time: Mon 11/20/2017 11:00:00 PM

From: Delahoyde, Magdelana A. EOP/WHO

Location:

Dial-In:

Ex. 6 - Personal Privacy

Leader Code:

Ex. 6 - Personal Privacy

Participant Code:

Ex. 6 - Personal Privacy

Importance:

Normal

Subject: Call: Prep for California Meeting

Start Date/Time: Mon 11/13/2017 8:30:00 PM

End Date/Time: Mon 11/13/2017 9:30:00 PM

From: Bolen, Brittany
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Call with Joe Stanko to Discuss Ozone - Call: Ex. 6 - Personal Privacy Extension: Ex. 6 - Personal Privacy
Participant Code: Ex. 6 - Personal Privacy
Start Date/Time: Tue 7/25/2017 2:30:00 PM
End Date/Time: Tue 7/25/2017 3:00:00 PM



Joseph Stanko

Partner

jstanko@hunton.com
p 202.955.1529

[bio](#) | [vCard](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

From: Bolen, Brittany
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: FW: Meeting with the Brick Industry Association
Start Date/Time: Thur 6/15/2017 5:30:00 PM
End Date/Time: Thur 6/15/2017 6:00:00 PM

-----Original Appointment-----

From: Kime, Robin **On Behalf Of** Bolen, Brittany
Sent: Thursday, June 1, 2017 9:05 AM
To: Bolen, Brittany; smiller@bia.org; Inge, Carolyn; Wehrum, William L.; Lovell, William; Dravis, Samantha
Subject: Meeting with the Brick Industry Association
When: Thursday, June 15, 2017 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN3500/OPEI

Directions: Please use the **William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station**. Please arrive 20 minutes prior to the meeting with photo IDs to clear Security.

EPA Contact: For an escort from Security to the meeting call (202) 564-4332; for all other matters call Robin Kime (202)564-6587.

Request: I am writing on behalf of the Brick Industry Association (BIA) to request a meeting with Administrator Pruitt. BIA is a national trade association representing clay brick manufacturers, distributorships, and their suppliers. Two-thirds of all the brick shipped in North American is manufactured by BIA members. In addition, many BIA member companies are family-owned small businesses. Many of BIA's members are subject to a recently-promulgated National Emissions Standard for Hazardous Air Pollutants for Brick Manufacturing (i.e., the "Brick MACT"). BIA has a pending challenge to this rule in the DC Circuit. BIA does not want to discuss the litigation with the Administrator. BIA does hope to discuss with the Administrator the enormous impact that the rule is having on the industry and some of BIA's ideas as to how the rule could be improved and the burden lessened. A group of BIA members will be in Washington, DC, on Thursday, June 15. A meeting that date would be ideal. If that does not work for Administrator Pruitt, we would appreciate any suggested alternative dates.

Contact:

Bill Wehrum

Partner

wwehrums@hunton.com<mailto:wwehrums@hunton.com>

p 202.955.1637

Hunton & Williams LLP

2200 Pennsylvania Avenue, NW

Washington, DC 20037

hunton.com<<http://www.hunton.com>>

To: Loving, Shanita[Loving.Shanita@epa.gov]
Cc: EPAVTC[EPAVTC@epa.gov]; Wheeler, Randy[wheeler.randy@epa.gov]
From: Corbin, James
Sent: Fri 9/8/2017 2:13:37 PM
Subject: CONF ID 612389 CONFIRMED: General Discussion - OAR
[ConferenceInvitation.ics](#)

Shanita,

Your VTC is set.

J. "Max" Corbin

VTC Analyst, US EPA – End User Services



EPA OITO Contractor

O: 919.541.7759

Corbin.James@epa.gov

mcorbin@visiontech.biz

www.visiontech.biz

Team SAIC Redefining Ingenuity™

You have successfully saved the following conference:

Please reference the Conference Id when inquiring about this call.

Conference Title: General Discussion - OAR

Conference Id: 612389

Numeric Id: 3504

Date: 9/11/2017 - 9/11/2017

Time: 1:45 PM - 5:15 PM, (UTC-05:00) Eastern Time (US & Canada)

Conference Type: Automatic Connect

Participant(s):

OAR DC WJCN Room 5400

(IP/H.323: 161.80.106.235, SIP: oar.dc.wjcn5400@epa.gov)

1:45 PM - 5:15 PM, (UTC-05:00) Eastern Time (US & Canada)

OAR RTP Room C401A OAQPS GCI

(IP/H.323: 134.67.190.118, SIP: oar.rtp.c401a.oaqps@epa.gov)

1:45 PM - 5:15 PM, (UTC-05:00) Eastern Time (US & Canada)

OAR AA DOD Room C174

(IP/H.323: 7342144648, SIP: 7342144648@epa.gov)

1:45 PM - 5:15 PM, (UTC-05:00) Eastern Time (US & Canada)

20070101T020000

Version

2.0

PRODID

-//Cisco Systems//TMS//EN

METHOD

PUBLISH

TZID

Eastern Standard Time

TZNAME

Eastern Standard Time

Start Date/Time

20070101T020000

TZOFFSETFROM

-0400

TZOFFSETTO

-0500

Recurrence Rule

FREQ=YEARLY;BYDAY=1SU;BYMONTH=11

20070101T020000

TZNAME

Eastern Daylight Time

Start Date/Time

20070101T020000

TZOFFSETFROM

-0500

TZOFFSETTO

-0400

Recurrence Rule

FREQ=YEARLY;BYDAY=2SU;BYMONTH=3

**General Discussion - OAR
OAR DC WJCN Room 5400; OAR RTP Room C401A OAQPS
GCI; OAR AA DOD Room C174
20170911T134500**

ORGANIZER

MAILTO:corbin.james@epa.gov

UID

39284765-5ec5-4343-a84d-4fa53e7c9674

DTSTAMP

20170908T141035Z

Start Date/Time

20170911T134500

End Date/Time

20170911T171500

Location

OAR DC WJCN Room 5400; OAR RTP Room C401A OAQPS GCI; OAR AA DOD Room C174

Time Transparency

OPAQUE

Summary

General Discussion - OAR

Description

You have successfully saved the following conference:

Conference Title: General Discussion - OAR
Conference Id: 612389
Numeric Id: 3504
Date: 9/11/2017 - 9/11/2017
Time: 1:45 PM - 5:15 PM, (UTC-05:00) Eastern Time (US & Canada)
Conference Type: Automatic Connect

Participant(s):

VTCL-MSE8KHD2-RTP
(IP/H.323: 9192943504, SIP: 3504@epa.gov)
1:45 PM - 5:15 PM, (UTC-05:00) Eastern Time (US & Canada)

OAR DC WJCN Room 5400
(IP/H.323: 161.80.106.235, SIP: oar.dc.wjcn5400@epa.gov)
1:45 PM - 5:15 PM, (UTC-05:00) Eastern Time (US & Canada)

OAR RTP Room C401A OAQPS GCI
(IP/H.323: 134.67.190.118, SIP: oar.rtp.c401a.oaqps@epa.gov)
1:45 PM - 5:15 PM, (UTC-05:00) Eastern Time (US & Canada)

OAR AA DOD Room C174
(IP/H.323: 7342144648, SIP: 7342144648@epa.gov)
1:45 PM - 5:15 PM, (UTC-05:00) Eastern Time (US & Canada)

If you have Outlook installed on your computer, please open the attachment in this mail. The attachment will generate an appointment in your Outlook Calendar with a reminder 15 minutes before the meeting.

Priority
5

Categories
PUBLIC

TRIGGER
-PT15M

ACTION
DISPLAY

Description
Reminder

To: Doyle, Colleen[DoyleC@hunton.com]
Sent: Fri 12/1/2017 2:11:48 PM
Subject: RE: Hanson Aggregates' Request for Guidance Re Common Control - (Part 2 of 2)

Thank you for the information. I'm going to get information from our internal team and then look to set up a meeting with you sometime later next week.

From: Doyle, Colleen [mailto:DoyleC@hunton.com]
Sent: Wednesday, November 29, 2017 2:07 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Hanson Aggregates' Request for Guidance Re Common Control - (Part 2 of 2)

To: Jackson, Ryan[jackson.ryan@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Wehrum, William L.[wwehrums@hunts.com]; Harlow, David[harlow.david@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Vizian, Donna[Vizian.Donna@epa.gov]
Sent: Wed 11/8/2017 8:27:50 PM
Subject: RE: Timing on Bill Wehrum

I will not be able to attend in person – I'll be in Germany. But if I could

From: Jackson, Ryan
Sent: Wednesday, November 8, 2017 3:09 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wehrum, William L. <wwehrums@hunts.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Subject: Re: Timing on Bill Wehrum

Perfect. Thanks.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Nov 8, 2017, at 1:50 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Let's do the swearing-in in the Administrator's office around 11:45AM/12PM on Monday. I'll have Pruitt come straight here from the airport to do it.

Bill, as we discussed earlier, once you know who is coming from your family, feel free to send their names directly to me so that they can easily get through security. You can have them enter the South building lobby and ask for me when they arrive.

Thanks all!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Jackson, Ryan

Sent: Wednesday, November 8, 2017 2:46 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>;
Wehrum, William L. <wwehrum@hunton.com>; Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez,
Alexander <dominguez.alexander@epa.gov>; Brown, Byron <brown.byron@epa.gov>;
Vizian, Donna <Vizian.Donna@epa.gov>

Subject: Re: Timing on Bill Wehrum

His presence is important.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Nov 8, 2017, at 1:08 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

FYI, the Administrator is flying in Monday morning. Do you want him present for this I believe? If so, can we do 1:45PM or so? If he doesn't need to be here, we can do first thing Monday morning, but I think you want him here.

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Jackson, Ryan

Sent: Wednesday, November 8, 2017 2:05 PM

To: Lyons, Troy <lyons.troy@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>

Cc: Wehrum, William L. <wwehrum@hunton.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>

Subject: Re: Timing on Bill Wehrum

All, Bill will arrive Monday for the swearing in. Hayley, we'd like to do it in the Administrator's office. Very short swearing in with Bill's immediate family. Liz, we'll take some shots with the official photographer. We won't need the green room. We'll all be set. Mandy and company can then escort him to the 5th floor. Donna, can we get Bill's computer and accounts set up for his arrival Monday? Thanks all.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Nov 8, 2017, at 11:13 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Update--

Just locked in 2 votes for 4:15 today, 2nd of those vote is cloture on Wehrum, confirmation vote on him shooting for mid-day tomorrow.

Sent from my iPhone

On Nov 8, 2017, at 10:54 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

If it's early enough Thursday, Byron has a swearing official prepared.

However we can wait until Monday when the Administrator is present to do in his office or green room.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Nov 8, 2017, at 9:38 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Update

McConnell is hopeful that the cloture vote occurs this evening and confirmation occurs around lunch time tomorrow. That could change, but that is our current hope/plan.

Sent from my iPhone

On Nov 7, 2017, at 11:28 AM, Wehrum, William L.
<wwehrum@hunton.com> wrote:

Thanks for the update.

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Tuesday, November 07, 2017 11:09 AM
To: Jackson, Ryan; Gunasekara, Mandy; Harlow, David; Dominguez, Alexander
Cc: Wehrum, William L.
Subject: FW: Timing on Bill Wehrum

FYI

From: Van Doren, Terry (McConnell)
[mailto:Terry_VanDoren@mcconnell.senate.gov]
Sent: Tuesday, November 7, 2017 11:04 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Timing on Bill Wehrum

Still too early to tell, but it may be that we invoke cloture on Wehrum on Thursday, start the 30 hour clock, and then do the confirmation vote upon our return Monday. Still too many moving pieces to know for sure. If we can get him confirmed before we leave this week, we will. Depends on attendance and how much Dems drag their feet on the NLRB nomination.

Terry Van Doren

Policy Advisor

Office of Majority Leader McConnell

Washington, DC 20510

(202) 224-3135

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Tuesday, November 7, 2017 10:48 AM
To: Van Doren, Terry (McConnell)
<Terry_VanDoren@mcconnell.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Timing on Bill Wehrum

Terry—I wanted to check in to see if Bill’s nomination is still on schedule for being on the floor tomorrow.

I appreciate your help, Terry.

Many thanks,

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

From: Palich, Christian
Location: Dirksen office – SD-410.
Importance: Normal
Subject: Bill Wehrum Meeting w/ Senate EPW
Start Date/Time: Mon 10/2/2017 7:00:00 PM
End Date/Time: Mon 10/2/2017 8:00:00 PM

From: Shimmin, Kaitlyn
Location: Hearing Room 1152 WJC East
Importance: Normal
Subject: Mock Hearing for Senate Confirmed Nominees (10:00 AM)
Start Date/Time: Fri 9/15/2017 2:00:00 PM
End Date/Time: Fri 9/15/2017 4:00:00 PM

10:00 AM to 12:00 PM: Mock Hearing

To: Wehrum, William L.[wwehrum@hunton.com]
Sent: Mon 9/11/2017 7:59:52 PM
Subject: RE: Fall Climate Change Conference - ACE Follow-up

Administrator can make. I'm happy to fill in

From: Wehrum, William L. [<mailto:wwehrum@hunton.com>]
Sent: Wednesday, September 6, 2017 11:12 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: FW: Fall Climate Change Conference - ACE Follow-up

From: Michele Gehring [<mailto:michele.gehring@coterie-env.com>]
Sent: Thursday, June 15, 2017 5:23 PM
To: Wehrum, William L.
Cc: 'Jeffrey Muffat'; 'cnelson'
Subject: Fall Climate Change Conference - ACE Follow-up

Bill –

It was a pleasure to meet you at the Air & Waste Management Association (A&WMA) conference in Pittsburgh. I trust your follow-on trip to Portland was uneventful and you've made your way back to DC by now. I wanted to follow-up with you regarding the climate change conference we discussed after your address. As Jeff and I mentioned, when we approached Administrator Pruitt's office regarding his participation at ACE, his Administrative Assistance Sydney Hupp indicated that Mr. Pruitt would be in Italy during the Pittsburgh conference but he would be interested in participating (or rather may like to participate) in a fall event if we had one on the agenda. The Climate Change meeting we have planned for Northern Virginia in October seemed like a perfect fit to that concept. Below is a summary of the event, the agenda, and the plans thus far. Any help you can offer in helping us pursue Administrator Pruitt or one of his associates would be greatly appreciated. If you or any of his staff have questions on the event, please feel free to contact me or any other member of our senior leadership team copied on this email.

Title: Finding Common Ground on Climate Change Mitigation and Adaptation

Dates: October 10-11, 2017

Location: DoubleTree, 300 Army Navy Drive, Arlington, Virginia

Preliminary Agenda:

Tuesday, October 10, 2017

Morning: Keynote address followed by panel discussions on climate policy and climate communication

Afternoon: Breakout sessions covering national, international, and local policy, corporate policy, and mitigation pathways

Wednesday, October 11, 2017

Morning: Keynote address followed by a panel discussion on climate change and its relation to national security, and breakout sessions on methane emissions and atmospheric processes

Afternoon: Panel discussion on climate action and closing remarks

At this point, we have confirmations from the following for speakers and/or panel presenters:

- Michael McCormick from California Governor Jerry Brown's office,
- Delegate Mark Keam from the Virginia House of Delegates, and
- General Ron Keys (Retired) from the Center for Climate & Security's Advisory Board.

In addition, we have or will be extending invitations to:

- David Kreutzer from the Heritage Foundation, and
- Representative Barbara Comstock from the US House of Representatives,

Thank you in advance for any help you can provide.

Michele

Michele E. Gehring, P.E.

Principal

Coterie ENVIRONMENTAL

1150 First Ave., Suite 501

King of Prussia, PA 19406

Michele.gehring@coterie-env.com

Cell: 610.406.2215, Office: 610.945.1777

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; William L. Wehrum[wwehrums@hunts.com]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Harlow, David[harlow.david@epa.gov]
Cc: Ringel, Aaron[ringel.aaron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
From: Lyons, Troy
Sent: Wed 12/6/2017 4:12:26 PM
Subject: RE: Methane

Thank you!

-----Original Message-----

From: Gunasekara, Mandy
Sent: Wednesday, December 6, 2017 11:09 AM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; William L. Wehrum <wwehrums@hunts.com>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Harlow, David <harlow.david@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Methane

Alexis is on it. Will follow-up in a few.

-----Original Message-----

From: Ferguson, Lincoln
Sent: Wednesday, December 6, 2017 11:03 AM
To: Lyons, Troy <lyons.troy@epa.gov>; William L. Wehrum <wwehrums@hunts.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Harlow, David <harlow.david@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Methane

Mandy/Bill - if you could update him on this during your briefing this afternoon that should be sufficient.

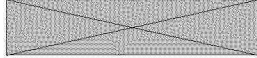
-----Original Message-----

From: Lyons, Troy
Sent: Wednesday, December 6, 2017 10:38 AM
To: William L. Wehrum <wwehrums@hunts.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Harlow, David <harlow.david@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: Methane

The Admin has requested a one pager on methane in prep for tomorrow's hearing.

Sent from my iPhone

To: William L. Wehrum[wwehrums@hunton.com]
From: Microsoft Outlook
Sent: Wed 12/6/2017 4:08:46 PM
Subject: Undeliverable: RE: Methane
[RE: Methane](#)



Your message to wwehrums@hunton.com couldn't be delivered.

wwehrums wasn't found at hunton.com.

Gunasekara.Mandy

Office 365

wwehrums

Action Required

Recipient

Unknown To address

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- **Send the message again following these steps:** In Outlook, open **this non-delivery report (NDR)** and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "To send this message again, click here." Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click Send.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: [Fix email delivery issues for error code 5.1.1 in Office 365](#), and then send the message again. Retype the entire recipient address before selecting Send.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the More Info for Email Admins section below.

Was this helpful? [Send feedback to Microsoft.](#)

More Info for Email Admins

Status code: 550 5.1.1

This error occurs because the sender sent a message to an email address outside of Office 365, but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see [Fix email delivery issues for error code 550 5.1.1 in Office 365](#).

Original Message Details

Created Date: 12/6/2017 4:08:43 PM
Sender Address: Gunasekara.Mandy@epa.gov
Recipient Address: wehrum@hunton.com
Subject: RE: Methane

Error Details

Reported error: 550 5.1.1 User Unknown
DSN generated by: SN1PR09MB1118.namprd09.prod.outlook.com
Remote server: mx0a-00193701.pphosted.com

Message Hops

HO	TIME (UTC)	FROM	TO	WITH	RELAY TIME
1	12/6/2017 4:08:44 PM	SN1PR09MB0829.namprd09.prod.outlook.com	SN1PR09MB0829.namprd09.prod.outlook.com	Microsoft Exchange	1 sec
2	12/6/2017 4:08:44 PM	SN1PR09MB0829.namprd09.prod.outlook.com	SN1PR09MB1118.namprd09.prod.outlook.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256	*

Original Message Headers

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=usepa.onmicrosoft.com;
s=selector1-epa-gov;
h=From:Date:Subject:Message-ID:Content-Type:MIME-Version;
bh=LxIWKuT8O6p/0LHs47Q02fz+s90hklU75f86iDbLfAw=;

b=NXgY0EDTea8zN0nOr6l8XSonyDm/mnPt7d490ebuziWG/xRB2BiP6dl+kjv7dgY4Yn5YUkXyBg2KAO1cIhRiS0bI

Received: from SN1PR09MB0829.namprd09.prod.outlook.com (10.162.101.150) by
SN1PR09MB1118.namprd09.prod.outlook.com (10.166.68.148) with Microsoft SMTP
Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384_P256) id
15.20.282.5; Wed, 6 Dec 2017 16:08:44 +0000

Received: from SN1PR09MB0829.namprd09.prod.outlook.com ([10.162.101.150]) by
SN1PR09MB0829.namprd09.prod.outlook.com ([10.162.101.150]) with mapi id
15.20.0282.012; Wed, 6 Dec 2017 16:08:44 +0000

From: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>

To: "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Lyons, Troy"
<lyons.troy@epa.gov>, "William L. Wehrum" <wwehrum@hunton.com>,

"Dominguez,
Alexander" <dominguez.alexander@epa.gov>, "Harlow, David"
<harlow.david@epa.gov>

CC: "Ringel, Aaron" <ringel.aaron@epa.gov>, "Jackson, Ryan"
<jackson.ryan@epa.gov>

Subject: RE: Methane

Thread-Topic: Methane

Thread-Index: AQHTbqgseAOSi58wHUyKZjz1R6+OwKM2eeQQgAABtaA=

Date: Wed, 6 Dec 2017 16:08:43 +0000

Message-ID:

<SN1PR09MB082934CF568CF4F84E4A338A9D320@SN1PR09MB0829.namprd09.prod.outlook.com>

References: <D40120DA-D7D2-44B8-A4EC-DA081D827514@epa.gov>

<DM2PR09MB066807944C2C0E10DFDB114984320@DM2PR09MB0668.namprd09.prod.outlook.com>

In-Reply-To:

<DM2PR09MB066807944C2C0E10DFDB114984320@DM2PR09MB0668.namprd09.prod.outlook.com>

Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

authentication-results: spf=none (sender IP is)

smtp.mailfrom=Gunasekara.Mandy@epa.gov;

x-originating-ip: [161.80.106.67]

x-ms-publictraffictype: Email

x-microsoft-exchange-diagnostics:

1;SN1PR09MB1118;6:h5GvcsBzSJriWdE9BiQ/8lJCLHY/a8VUBsuSz1E7QMuevb+d4yR1Tgr5tYaD5+pCDrzK0MHK

x-ms-exchange-antispam-srfa-diagnostics: SSOS;SSOR;

x-forefront-antispam-report: SFV:SKI;SCL:-

1;SFV:NSPM;SFS:(10019020)(346002)(376002)(366004)(13464003)(199004)(189003)(221733001)(722

x-ms-office365-filtering-correlation-id: 6c997e1c-babd-4056-7599-08d53cc39fce

x-microsoft-antispam:

UriScan;;BCL:0;PCL:0;RULEID:(5600026)(4604075)(4534020)(4602075)(4627115)(201703031133081)

x-ms-trafficdiagnostictype: SN1PR09MB1118:

x-microsoft-antispam-prvs:

<SN1PR09MB11187714534EC01A8D07B3179D320@SN1PR09MB1118.namprd09.prod.outlook.com>

x-exchange-antispam-report-test: UriScan:(229425074694992);

x-exchange-antispam-report-cfa-test:

BCL:0;PCL:0;RULEID:(6040450)(2401047)(8121501046)(5005006)(3002001)(3231022)(93006095)(930

x-forefront-prvs: 05134F8B4F

received-spf: None (protection.outlook.com: epa.gov does not designate

permitted sender hosts)
spamdiagnosticoutput: 1:99
spamdiagnosticmetadata: NSPM
Content-Type: text/plain; charset="us-ascii"
Content-Transfer-Encoding: quoted-printable
MIME-Version: 1.0
X-OriginatorOrg: epa.gov
X-MS-Exchange-CrossTenant-Network-Message-Id: 6c997e1c-babd-4056-7599-08d53cc39fce
X-MS-Exchange-CrossTenant-originalarrivaltime: 06 Dec 2017 16:08:43.8471 (UTC)
X-MS-Exchange-CrossTenant-fromentityheader: Hosted
X-MS-Exchange-CrossTenant-id: 88b378b3-6748-4867-acf9-76aacbeca6a7
X-MS-Exchange-Transport-CrossTenantHeadersStamped: SN1PR09MB1118

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Stanko, Joseph
Sent: Fri 10/13/2017 3:07:35 PM
Subject: FYI
Vistra Energy Sandow Brown Closure News Release 10 13 17 FINAL (2)-c.PDF

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Patrick Rita[PRita@orionadvocates.com]; Chung, David
(DChung@crowell.com)[DChung@crowell.com]
From: Rachel Feinstein
Sent: Mon 6/5/2017 8:25:49 PM
Subject: HPBA Biomass Hearth Industry Jobs Estimate
HPBA Report on the Size of the U.S. Biomass Hearth Appliance Industry.pdf

Hi Mandy,

I hope all is well on your end. Per your request from our April 20, 2017 meeting, please find attached a brief summary on the number of jobs provided by the U.S. biomass hearth industry. We estimate that the industry provides at least **38,250 jobs** in the U.S. The methodology behind this finding is included in the attached. Will this number be used only in internal memos or in a more public setting?

Could you give me a call when you have a moment? I have a time-sensitive question regarding our litigation and the discussions with OAQPS staff.

Please let me know if you have any questions and I look forward to speaking with you soon.

Thank you,

Rachel



Rachel Feinstein | Manager – Government Affairs

Hearth, Patio & Barbecue Association

1901 North Moore Street, Suite 600 | Arlington, VA 22209

OFFICE: 703-522-0086 x 109 | **MOBILE:** 703-828-4724

Visit us online today! | feinstein@hpba.org

To: Dourson, Michael (doursoml)[doursoml@ucmail.uc.edu]; David Ross[**Personal Email/Ex. 6**]; Leopold, Matthew Z.[MLEopold@carltonfields.com]
Cc: Lyons, Troy[lyons.troy@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Wehrum, William L.
Sent: Thur 10/5/2017 2:42:25 PM
Subject: RE: QFR Process/Tips

Thanks Michael. You did a great job yesterday. Very impressive.

From: Dourson, Michael (doursoml) [mailto:doursoml@ucmail.uc.edu]
Sent: Thursday, October 05, 2017 9:21 AM
To: Wehrum, William L.; David Ross; Leopold, Matthew Z.
Cc: Lyons, Troy; Palich, Christian; Ringel, Aaron; Rodrick, Christian; Shimmin, Kaitlyn; Cory, Preston (Katherine); Frye, Tony (Robert); Gunasekara, Mandy; Bowman, Liz
Subject: Re: QFR Process/Tips

Dear Bill, David and Matt

I am glad that the hearing is over and that the Senate fulfilled its duties, in part, on the confirmation process. I am especially thankful to Troy and his wonderful team for coaching me through the practice rounds and trying (not always successfully) to keep me on message. Now having gone through this experience, I can see where attempted defenses of past work are not practical in a hearing, and that we (the nominees) need to depend on EPA's public relations staff to set the record straight.

Towards this end, I image that you may be wondering about TERA's work, especially those regarding specific chemicals. The attached text will lead you through some claims and realities.

This information has been sent to Liz Bowman of EPA's public relations team, and she plans to use this as appropriate counters to some of the flagrant misinformation being bantered about. I am happy to have her take the lead on any response.

Please feel free to use this text, as needed, in discussions with family members or friends if they want to know more information. Also, I would be happy to speak with any of you if you have questions.

I very much look forward to working directly with all of you.

Cheers!

Michael

---Those who have the privilege to know, have the duty to act. Albert Einstein



From: "Lyons, Troy" <lyons.troy@epa.gov>
Date: Wednesday, October 4, 2017 at 11:18 PM
To: "Wehrum, William L." <wwehrums@hunts.com>
Cc: "Palich, Christian" <palich.christian@epa.gov>, David Ross <[REDACTED] Personal Email/Ex. 6 >, Michael Dourson <doursoml@ucmail.uc.edu>, "Leopold, Matthew Z." <MLeopold@carltonfields.com>, "Ringel, Aaron" <ringel.aaron@epa.gov>, "Rodrick, Christian" <rodrick.christian@epa.gov>, "Shimmin, Kaitlyn" <shimmin.kaitlyn@epa.gov>, "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Subject: Re: QFR Process/Tips

Haha how did that go!?

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

Sent from my iPhone

On Oct 4, 2017, at 7:31 PM, Wehrum, William L. <wwehrum@hunton.com> wrote:

For the record, Senator Carper was on train 188 to Wilmington tonight. Bumped into him at Union Station.

On Oct 4, 2017, at 5:42 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi All,

First off, terrific job! Today was a huge success. Next step will be responding to the QFR's the committee will send us for you all to answer. We will receive them by COB Friday and they will need to be completed by COB next Thursday October 12th. In an effort to have an efficient process we have put together attached (and below) QFR Process and tips sheet to help you.

As always please let us know if you have any questions. Enjoy celebrating the successful hearing this evening!

EPA Nominee Questions for the Record Response Process

October 4th, 2017

Background:

At 10 am on Wednesday, October 4th, 2017, the Senate Committee on Environment and Public (EPW) works held a full committee hearing entitled, Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission. The following document provides a brief outline of the process that will be undertaken to respond to the corresponding questions for the record (QFR).

Overview:

Friday, October 6th Close of Business: Senate EPW relays QFRs to OCIR

Friday, October 6th Close of Business: OCIR relays QFRs to nominees to review and provide preliminary responses to all questions

Monday, October 9th Noon: Nominees return preliminary responses to all questions, identifying questions or responses the nominee would like additional technical or political assistance from EPA staff

Monday, October 9th Afternoon: OCIR reviews flagged questions and responses and relays to appropriate political and program office staff for technical assistance

Tuesday, October 10th Morning and Afternoon: Political and program office staff review flagged questions, provide response, clear response, and return cleared responses to OCIR

Tuesday, October 10th Close of Business: ALL reviewed, completed, and cleared questions with responses must be returned to OCIR

Tuesday, October 10th Close of Business: OCIR relays completed responses to OMB for review

Thursday, October 12th Morning: OCIR relays OMB cleared QFRs to nominees for final review

Thursday, October 12th Afternoon: OCIR returns FINAL QFRs to Senate EPW

Tips for drafting responses to QFRs:

- Short responses are completely acceptable. For example, if a question has a yes or no response, then a yes or no answer is fine.

- o Less is more.

- If multiple questions can be answered accurately with the same response, it is acceptable to repeat responses.

- Responses provided by Administrator Pruitt to similar questions are eligible for reuse.

- o https://www.epw.senate.gov/public/_cache/files/6d95005c-bd1a-4779-af7e-

[be831db6866a/scott-pruitt-qfr-responses-01.18.2017.pdf](https://www.epw.senate.gov/public/%20files/6d95005c-2Dbd1a-2D4779-2Daf7e-2Dbe831db6866a_scott-2Dpruitt-2Dqfr-2Dresponses-2D01.18.2017.pdf&d=DwMFAG&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=Gj7Ct5dB0g77f6CpApRr8DhoWZzvyoi7aaRREvtyB88&s=A8CNIFY)<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.epw.senate.gov_public_-5Fcache_files_6d95005c-2Dbd1a-2D4779-2Daf7e-2Dbe831db6866a_scott-2Dpruitt-2Dqfr-2Dresponses-2D01.18.2017.pdf&d=DwMFAG&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=Gj7Ct5dB0g77f6CpApRr8DhoWZzvyoi7aaRREvtyB88&s=A8CNIFY>

- Previously issued talking points serve as excellent starting points when constructing responses.
- Materials prepared by EPA staff in advance of the nomination hearing will prove useful as you consider potential responses.
- Most importantly, if you have any doubt, please flag questions of concern.

Christian R. Palich

Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

U.S Environmental Protection Agency

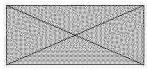
O: 202.564.4944

C: 202.306.4656

E: Palich.Christian@epa.gov

<2017.10.04 - EPA QFR Process.docx>

To: Gunasekara, Amanda[gunasekara.amanda@epa.gov]
From: Stanko, Joseph
Sent: Tue 3/21/2017 9:18:26 PM
Subject: FYI, Texas item
[removed.txt](#)
[TCEQ's SSM PFR Letter-c.pdf](#)
[TCEQ's SSM SIP Call PFR-c.PDF](#)



Joseph Stanko

Partner

jstanko@hunton.com

p 202.955.1529

[bio](#) | [vCard](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Stanko, Joseph
Sent: Thur 6/1/2017 3:14:05 PM
Subject: Vistra contact info
[Curt Morgan.vcf](#)

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Wehrum, William L.
Sent: Fri 9/1/2017 9:48:55 PM
Subject: Dave Garrett
[David P. Garrett bio-resume 2017-08-c.pdf](#)



Bill Wehrum

Partner

wwehrum@hunton.com

p 202.955.1637

[bio](#) | [vCard](#) | [blog](#) | [LinkedIn](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

To: Gunasekara, Amanda[gunasekara.amanda@epa.gov]
From: Stanko, Joseph
Sent: Tue 3/21/2017 3:27:13 PM
Subject: FW: NAAQS Implementation Coalition Petition for Reconsideration of Final Appendix W Rule (EPA Docket No. EPA-HQ-OAR-2015-0310)
NAAQS Implementation Coalition - Final App. W Rule Petition for Reconsideration-c.pdf

 **Joseph Stanko**

Partner

jstanko@hunton.com

p 202.955.1529

[bio](#) | [vCard](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

From: Stanko, Joseph
Sent: Monday, March 20, 2017 6:22 PM
To: 'pruitt.scott@epa.gov'
Cc: 'a-and-r-docket@epa.gov'; 'jackson.ryan@epa.gov'; 'dunham.sarah@epa.gov'; 'page.steve@epa.gov'; 'wayland.richard@epa.gov'; 'fox.tyler@epa.gov'; 'bridgers.george@epa.gov'
Subject: NAAQS Implementation Coalition Petition for Reconsideration of Final Appendix W Rule (EPA Docket No. EPA-HQ-OAR-2015-0310)

March 20, 2017

The Honorable Scott Pruitt

Administrator

United States Environmental Protection Agency

Administrator Pruitt,

Attached is the Petition of the National Ambient Air Quality Standards Implementation Coalition to the Administrator of the United States Environmental Protection Agency for Administrative Reconsideration of portions of EPA's January 17, 2017 final rule entitled "Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter," which was published at 82 Fed. Reg. 5182 (Jan. 17, 2017). A copy of this petition is also being electronically mailed to the Air and Radiation Docket for filing in EPA docket number EPA-HQ-OAR-2015-0310.

Thank you in advance for consideration of this petition. Please have staff contact me with any questions regarding the petition.

Sincerely,

Joseph C. Stanko, Jr.

Counsel for the

NAAQS Implementation Coalition



Joseph Stanko

Partner

jstanko@hunton.com

p 202.955.1529

[bio](#) | [vCard](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]
From: Wehrum, William L.
Sent: Mon 10/9/2017 6:30:49 PM
Subject: RE: First Draft QFR Responses
Wehrum All QFRs 10.04.2017-c.docx

I went back through my responses and corrected a bunch of typos. Corrected version is attached.

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Monday, October 09, 2017 1:18 PM
To: Ringel, Aaron
Cc: Wehrum, William L.; Lyons, Troy; Palich, Christian; Dominguez, Alexander
Subject: Re: First Draft QFR Responses

Great and Yes- I'll get to work on these.

Sent from my iPhone

On Oct 9, 2017, at 1:14 PM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:

Thanks Bill! Mandy, do you want to take first crack at this before we start going through them? Let us know if there is anything you think OAR might need to review as well. We'll go through for any political answers tomorrow that might need edits and circle around.

Looping in Alex as well, I'll forward him the doc in a separate email.

Thanks,

Aaron

Sent from my iPhone

On Oct 9, 2017, at 12:55 PM, Wehrum, William L. <wwehrum@hunton.com> wrote:

Attached is my first cut at QFR responses. There was progression in my

thinking and approach as I worked my way through the questions. So, I will focus next on editing for consistency. Also, there are two issues for which I included place holders. One involves the question of whether I will respond to inquiries from all EPW members. That was asked twice. I defer to you as to how to respond. The other deals with the cases from which I will be recused after joining EPA. I am working on a table that I intend to attach to the response. Otherwise, the answers are complete.

<image001.jpg>

Bill Wehrum

Partner

wwehrum@hunton.com

p 202.955.1637

[bio](#) | [vCard](#) | [blog](#) | [LinkedIn](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

<Wehrum All QFRs 10.04.2017-c.docx>

To: Hupp, Sydney[hupp.sydney@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Wehrum, William L.
Sent: Tue 5/30/2017 11:07:40 PM
Subject: RE: Meeting Request

Hi Sydney. Just checking to see if it might be possible to schedule this meeting. Please let me know if you need anything more from us. Thanks.

From: Wehrum, William L.
Sent: Monday, May 22, 2017 6:30 PM
To: Hupp, Sydney (hupp.sydney@epa.gov)
Cc: 'gunasekera.mandy@epa.gov'; Susan J. Miller (smiller@bia.org); 'Paul Regina'
Subject: Meeting Request

I am writing on behalf of the Brick Industry Association (BIA) to request a meeting with Administrator Pruitt. BIA is a national trade association representing clay brick manufacturers, distributorships, and their suppliers. Two-thirds of all the brick shipped in North American is manufactured by BIA members. In addition, many BIA member companies are family-owned small businesses.

Many of BIA's members are subject to a recently-promulgated National Emissions Standard for Hazardous Air Pollutants for Brick Manufacturing (i.e., the "Brick MACT"). BIA has a pending challenge to this rule in the DC Circuit. BIA does not want to discuss the litigation with the Administrator. BIA does hope to discuss with the Administrator the enormous impact that the rule is having on the industry and some of BIA's ideas as to how the rule could be improved and the burden lessened.

A group of BIA members will be in Washington, DC, on Thursday, June 15. A meeting that date would be ideal. If that does not work for Administrator Pruitt, we would appreciate any suggested alternative dates.

Please feel free to contact me if you need anything more. Thanks for your consideration.



Bill Wehrum

Partner

wwehrum@hunton.com

p 202.955.1637

[bio](#) | [vCard](#) | [blog](#) | [LinkedIn](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

To: Lyons, Troy[lyons.troy@epa.gov]
Cc: Palich, Christian[palich.christian@epa.gov]; David Ross [Personal Email/Ex. 6]; Dourson, Michael (doursoml)[doursoml@ucmail.uc.edu]; Leopold, Matthew Z.[mleopold@carrollmc.com]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Shimmin, Kaitlyn[shimmin.kaitlyn@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Wehrum, William L.
Sent: Thur 10/5/2017 11:33:26 AM
Subject: Re: QFR Process/Tips

As always, he was cordial. He said I did well.

On Oct 4, 2017, at 11:18 PM, Lyons, Troy <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>> wrote:

Haha how did that go?!?

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
202-309-2490<tel:202-309-2490> (cell)

Sent from my iPhone

On Oct 4, 2017, at 7:31 PM, Wehrum, William L.
<wwehrum@hunton.com<mailto:wwehrum@hunton.com>> wrote:

For the record, Senator Carper was on train 188 to Wilmington tonight. Bumped into him at Union Station.

On Oct 4, 2017, at 5:42 PM, Palich, Christian
<palich.christian@epa.gov<mailto:palich.christian@epa.gov>> wrote:

Hi All,

First off, terrific job! Today was a huge success. Next step will be responding to the QFR's the committee will send us for you all to answer. We will receive them by COB Friday and they will need to be completed by COB next Thursday October 12th. In an effort to have an efficient process we have put together attached (and below) QFR Process and tips sheet to help you.

As always please let us know if you have any questions. Enjoy celebrating the successful hearing this evening!

EPA Nominee Questions for the Record Response Process
October 4th, 2017

Background:

At 10 am on Wednesday, October 4th, 2017, the Senate Committee on Environment and Public (EPW) works held a full committee hearing entitled, Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission. The following document provides a brief outline of the process that will be undertaken to respond to the corresponding questions for the record (QFR).

Overview:

Friday, October 6th Close of Business: Senate EPW relays QFRs to OCIR

Friday, October 6th Close of Business: OCIR relays QFRs to nominees to review and provide preliminary responses to all questions

Monday, October 9th Noon: Nominees return preliminary responses to all questions, identifying questions or responses the nominee would like additional technical or political assistance from EPA staff

Monday, October 9th Afternoon: OCIR reviews flagged questions and responses and relays to appropriate political and program office staff for technical assistance

Tuesday, October 10th Morning and Afternoon: Political and program office staff review flagged questions, provide response, clear response, and return cleared responses to OCIR

Tuesday, October 10th Close of Business: ALL reviewed, completed, and cleared questions with responses must be returned to OCIR

Tuesday, October 10th Close of Business: OCIR relays completed responses to OMB for review

Thursday, October 12th Morning: OCIR relays OMB cleared QFRs to nominees for final review

Thursday, October 12th Afternoon: OCIR returns FINAL QFRs to Senate EPW

Tips for drafting responses to QFRs:

- Short responses are completely acceptable. For example, if a question has a yes or no response, then a yes or no answer is fine.
- o Less is more.
- If multiple questions can be answered accurately with the same response, it is acceptable to repeat responses.
- Responses provided by Administrator Pruitt to similar questions are eligible for reuse.
- o https://www.epw.senate.gov/public/_cache/files/6d95005c-bd1a-4779-af7e-be831db6866a/scott-pruitt-qfr-responses-01.18.2017.pdf<

KSV6FFlot0PGng&r=yE0vRcg1_6xRchQQPG-
5bl6t8x7mw3CtiGtCUlzxLOU&m=q9_8jmxocY_1is533_5H1OCeDTY_ueu9WubelwcWYwQ&s=x4XTzMt
Qc3BFisKOAgc4GsCdNeeGbBlyxLp3Hmw3sow&e=>

- Previously issued talking points serve as excellent starting points when constructing responses.
- Materials prepared by EPA staff in advance of the nomination hearing will prove useful as you consider potential responses.
- Most importantly, if you have any doubt, please flag questions of concern.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: 202.306.4656
E: Palich.Christian@epa.gov<mailto:Palich.Christian@epa.gov>

<2017.10.04 - EPA QFR Process.docx>

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]
Cc: Louis Rabman[**Personal Email/Ex. 6**]; thomas Lorenzen[tlorenzen@crowell.com]; Stacey Hyatt[shyatt@midwestemissions.com]
From: Rick MacPherson
Sent: Wed 8/30/2017 5:36:24 PM
Subject: Meeting follow up

Folks,

It was a pleasure meeting with you today. We sincerely appreciate your finding the time to meet with myself, along with Louis Rabman and Thomas Lorenzen. We respect your time and your consideration of our initiatives related to global emissions.

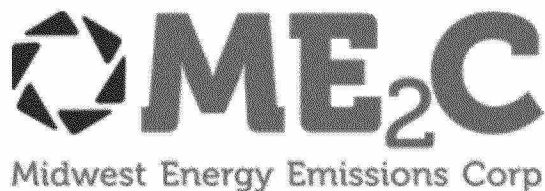
The technologies we have developed in conjunction with the Energy Environment Resource Center (EERC) of North Dakota, the EPA, and the DOE over the past decade are valuable to utilities both here at home and abroad. I very much value your willingness to guide ME2C on our efforts going forward to globalize these technologies.

The opportunity for us to host Administrator Pruitt at one of our utility customers in either Texas, Oklahoma, Louisiana, or Arkansas would be a terrific statement of recognition of American technologies by the EPA working to improve coal fired air quality successfully.

Once again, many thanks for your time and interest, I look forward to hearing from your designee to move this initiative forward.

Cheers,

Rick MacPherson
President/Founder
Midwest Energy Emissions Corp.
Mobile: 512 888 3815
rmacpherson@midwestemissions.com
midwestemissions.com



To: Gunasekara, Amanda[gunasekara.amanda@epa.gov]
From: Stanko, Joseph
Sent: Tue 3/21/2017 2:41:08 PM
Subject: TX Request for Admin. Stay of Effective Date for SO2 Designations
[Request to EPA for Admin Stay SO2 EPA ltr-c.pdf](#)

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]
From: Stanko, Joseph
Sent: Tue 8/29/2017 2:00:41 PM
Subject: RE: Meeting Request

Thanks.



Joseph Stanko

Partner

jstanko@hunton.com

p 202.955.1529

[bio](#) | [vCard](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Monday, August 28, 2017 3:56 PM
To: Stanko, Joseph
Cc: Gunasekara, Mandy; Jackson, Ryan; Bolen, Brittany; Kime, Robin; Dominguez, Alexander
Subject: Re: Meeting Request

Thank you. I am copying in Robin and Alex, who can coordinate the best time.

Regards,

Samantha

Sent from my iPad

On Aug 28, 2017, at 3:54 PM, Stanko, Joseph <jstanko@hunton.com> wrote:

Good afternoon.

EPA has previously indicated that it is continuing to review the 2015 Ozone NAAQS rule to determine whether the standards should be maintained, modified, or otherwise reconsidered. A number of trade associations representing a broad cross-section of industrial, manufacturing and agricultural sectors would like to request a meeting with you to discuss the views of their memberships on this issue.

Please let me know of any possible times and dates, and I would be able to provide your scheduler with specific information on attendees.

I appreciate your consideration of this request.

Regards

Joe Stanko

<image001.jpg> **Joseph Stanko**

Partner

p 202.955.1529

[bio](#) | [vCard](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

[hunton.com](#)

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Brown, Samuel L.
Sent: Sat 12/2/2017 8:06:53 AM
Subject: Thank you!

Hi Mandy,

I just want to thank you again for participating in our *Insights into Environmental Law & Policy: A Conversation with Key Regulators* event on Thursday. We received great feedback from the participants and your contribution was greatly appreciated. Say hello to Bill for me!

Thanks – Sam

 **Samuel Brown**

Senior Attorney

slbrown@hunton.com

p 415.975.3714

f 415.975.3775

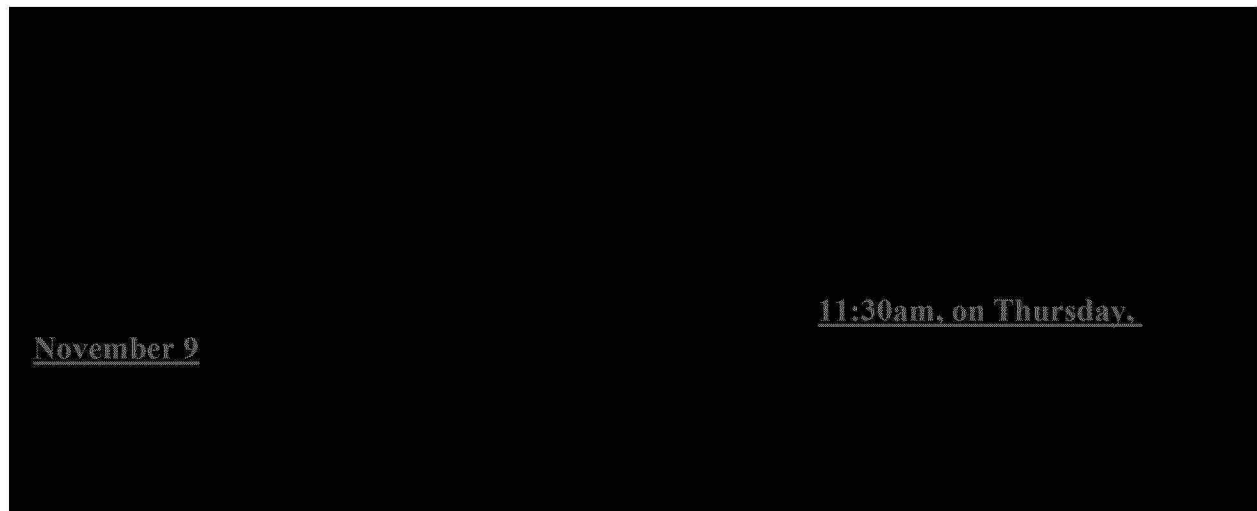
[bio](#) | [vCard](#)

Hunton & Williams
LLP
50 California Street
Suite 1700
San Francisco, CA
94105

hunton.com

To: Jackson, Ryan[jackson.ryan@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]
Cc: Wehrum, William L.[wwehrum@hunton.com]; Ford, Hayley[ford.hayley@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]
From: Lyons, Troy
Sent: Thur 11/9/2017 12:28:26 AM
Subject: Re: Wehrum

Tomorrow at 1130



Sent from my iPhone

On Nov 8, 2017, at 5:12 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Cloture Motion Agreed to: 49-46

From: Lyons, Troy
Sent: Wednesday, November 8, 2017 4:53 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Wehrum, William L. <wwehrum@hunton.com>; Ford, Hayley <ford.hayley@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>

Subject: Wehrum
Importance: High

Voting now to end debate.

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Atkinson, Emily[Atkinson.Emily@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]
From: Doyle, Colleen
Sent: Fri 12/1/2017 2:57:52 PM
Subject: RE: Hanson Aggregates' Request for Guidance Re Common Control - (Part 1 of 2)

Sounds good. Thank you.

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Friday, December 01, 2017 6:12 AM
To: Doyle, Colleen
Cc: Atkinson, Emily; Dominguez, Alexander
Subject: RE: Hanson Aggregates' Request for Guidance Re Common Control - (Part 1 of 2)

Colleen,

Thank you for the emails. I'm going to get information from our internal team and then look to set up a meeting with you sometime later next week.

Best,

Mandy

From: Doyle, Colleen [mailto:DoyleC@hunton.com]
Sent: Wednesday, November 29, 2017 1:59 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Hanson Aggregates' Request for Guidance Re Common Control - (Part 1 of 2)

Mandy: I am forwarding you three emails (Part 1 , 1a and 2) that we sent EPA several months ago on the aggregation issue. Once you have had an opportunity to review these materials, let me know when you want to regroup. Thank you.



Colleen Doyle

Partner

doylec@hunton.com

p 213.532.2102

m 213.880.4660

[bio](#) | [vCard](#)

Hunton & Williams LLP
550 South Hope Street
Suite 2000
Los Angeles, CA 90071

hunton.com

This communication is confidential and is intended to be privileged pursuant to applicable law. If the reader of this message is not the intended recipient, please advise by return email immediately and then delete this message and all copies and backups thereof.

To: Lyons, Troy[lyons.troy@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Palich, Christian[palich.christian@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Wehrum, William L.
Sent: Mon 10/9/2017 4:54:40 PM
Subject: First Draft QFR Responses
Wehrum All QFRs 10.04.2017-c.docx

Attached is my first cut at QFR responses. There was progression in my thinking and approach as I worked my way through the questions. So, I will focus next on editing for consistency. Also, there are two issues for which I included place holders. One involves the question of **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

That was asked twice. I defer to you as to how to respond. The other deals with **Ex. 5 - Deliberative Process** I am working on a table that I intend to attach to the response. Otherwise, the answers are complete.



Bill Wehrum

Partner

wwehrum@hunton.com

p 202.955.1637

[bio](#) | [vCard](#) | [blog](#) | [LinkedIn](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Stanko, Joseph
Sent: Mon 8/28/2017 7:52:41 PM
Subject: Meeting Request

Good afternoon.

EPA has previously indicated that it is continuing to review the 2015 Ozone NAAQS rule to determine whether the standards should be maintained, modified, or otherwise reconsidered. A number of trade associations representing a broad cross-section of industrial, manufacturing and agricultural sectors would like to request a meeting with you to discuss the views of their memberships on this issue.

Please let me know of any possible times and dates, and I would be able to provide your scheduler with specific information on attendees.

I appreciate your consideration of this request.

Regards

Joe Stanko

 **Joseph Stanko**

Partner

jstanko@hunton.com

p 202.955.1529

[bio](#) | [vCard](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

[hunton.com](#)

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Wehrum, William L.
Sent: Fri 8/18/2017 8:04:03 PM
Subject: Heidi King
[Heidi King_Regulation-c.pdf](#)



Bill Wehrum

Partner

wwehrum@hunton.com

p 202.955.1637

[bio](#) | [vCard](#) | [blog](#) | [LinkedIn](#)

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

To: Lyons, Troy[lyons.troy@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]
Cc: Wehrum, William L.[wwehrum@hunton.com]; Ford, Hayley[ford.hayley@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]
From: Bowman, Liz
Sent: Wed 11/8/2017 9:54:11 PM
Subject: RE: Wehrum

YAY!!! Go Bill!

From: Lyons, Troy
Sent: Wednesday, November 8, 2017 4:53 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Wehrum, William L. <wwehrum@hunton.com>; Ford, Hayley <ford.hayley@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>
Subject: Wehrum
Importance: High

Voting now to end debate.

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Dickerson, Aaron[dickerson.aaron@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Harlow, David
Sent: Fri 8/18/2017 7:01:25 PM
Subject: RE:

No, I'm sorry, but I'll be out of town as of Monday, August 21, returning on Friday, the 25th. Thus, I'm afraid that Monday, August 28th is the earliest that I'll be available.

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: Friday, August 18, 2017 2:24 PM
To: Harlow, David
Cc: Dickerson, Aaron; Willis, Sharnett; Gunasekara, Mandy
Subject:

Hey David my travel plans changed would you be able to meet Monday?

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Flynn, Aaron M.
Sent: Thur 11/30/2017 6:45:05 PM
Subject: Re: We are in metro

See you soon!

Sent from my iPhone

On Nov 30, 2017, at 1:35 PM, Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov<mailto:Gunasekara.Mandy@epa.gov>> wrote:

We should Be there right on time (maybe a minute to spare).

Sent from my iPhone

To: Jackson, Ryan[jackson.ryan@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Frye, Tony (Robert)[frye.robert@epa.gov]
Cc: Wehrum, William L.[wwehrum@hunton.com]; Ford, Hayley[ford.hayley@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]
From: Lyons, Troy
Sent: Wed 11/8/2017 9:52:53 PM
Subject: Wehrum

Voting now to end debate.

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

To: Vizian, Donna[Vizian.Donna@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Harlow, David[harlow.david@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Wehrum, William L.
Sent: Wed 11/8/2017 9:26:37 PM
Subject: RE: Timing on Bill Wehrum

Not a problem. What time do you want me to arrive?

From: Vizian, Donna [mailto:Vizian.Donna@epa.gov]
Sent: Wednesday, November 08, 2017 4:25 PM
To: Gunasekara, Mandy
Cc: Jackson, Ryan; Ford, Hayley; Lyons, Troy; Bowman, Liz; Wehrum, William L.; Harlow, David; Dominguez, Alexander; Brown, Byron
Subject: Re: Timing on Bill Wehrum

It would be helpful if Bill came earlier so we can do fingerprints and badging in advance.

Please remember that we need him and the Administrator sign the affidavit. Howard can get that to Haley Monday morning.

On Nov 8, 2017, at 3:52 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

I won't be here in person for Monday (I'll be in Bonn). I've asked Hayley to FaceTime with me so I can witness this AMAZING event! Baring some wifi issues, I'll be present in the digital form.

Sent from my iPhone

On Nov 8, 2017, at 3:08 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Perfect. Thanks.

Ryan Jackson

Chief of Staff

U.S. EPA

On Nov 8, 2017, at 1:50 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Let's do the swearing-in in the Administrator's office around 11:45AM/12PM on Monday. I'll have Pruitt come straight here from the airport to do it.

Bill, as we discussed earlier, once you know who is coming from your family, feel free to send their names directly to me so that they can easily get through security. You can have them enter the South building lobby and ask for me when they arrive.

Thanks all!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Jackson, Ryan

Sent: Wednesday, November 8, 2017 2:46 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wehrum, William L. <wwehrum@hunton.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>

Subject: Re: Timing on Bill Wehrum

His presence is important.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Nov 8, 2017, at 1:08 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

FYI, the Administrator is flying in Monday morning. Do you want him present for this I believe? If so, can we do 1:45PM or so? If he doesn't need to be here, we can do first thing Monday morning, but I think you want him here.

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Jackson, Ryan

Sent: Wednesday, November 8, 2017 2:05 PM

To: Lyons, Troy <lyons.troy@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>

Cc: Wehrum, William L. <wwehrum@hunton.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Brown, Byron <brown.byron@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>

Subject: Re: Timing on Bill Wehrum

All, Bill will arrive Monday for the swearing in. Hayley, we'd like to do it in the Administrator's office. Very short swearing in with Bill's immediate family. Liz, we'll take some shots with the official photographer. We won't need the green room. We'll all be set. Mandy and company can then escort him to the 5th floor. Donna, can we get Bill's computer and accounts set up for his arrival Monday? Thanks all.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Nov 8, 2017, at 11:13 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Update--

Just locked in 2 votes for 4:15 today, 2nd of those vote is cloture on Wehrum, confirmation vote on him shooting for mid-day tomorrow.

Sent from my iPhone

On Nov 8, 2017, at 10:54 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

If it's early enough Thursday, Byron has a swearing official prepared.

However we can wait until Monday when the Administrator is present to do in his office or green room.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Nov 8, 2017, at 9:38 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Update

McConnell is hopeful that the cloture vote occurs this evening and confirmation occurs around lunch time tomorrow. That could change, but that is our current hope/plan.

Sent from my iPhone

On Nov 7, 2017, at 11:28 AM, Wehrum, William L. <wwehrum@hunton.com> wrote:

Thanks for the update.

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Tuesday, November 07, 2017 11:09 AM
To: Jackson, Ryan; Gunasekara, Mandy; Harlow, David; Dominguez, Alexander
Cc: Wehrum, William L.
Subject: FW: Timing on Bill Wehrum

FYI

From: Van Doren, Terry (McConnell)
[mailto:Terry_VanDoren@mcconnell.senate.gov]
Sent: Tuesday, November 7, 2017 11:04 AM

To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Timing on Bill Wehrum

Still too early to tell, but it may be that we invoke cloture on Wehrum on Thursday, start the 30 hour clock, and then do the confirmation vote upon our return Monday. Still too many moving pieces to know for sure. If we can get him confirmed before we leave this week, we will. Depends on attendance and how much Dems drag their feet on the NLRB nomination.

Terry Van Doren

Policy Advisor

Office of Majority Leader McConnell

Washington, DC 20510

(202) 224-3135

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Tuesday, November 7, 2017 10:48 AM
To: Van Doren, Terry (McConnell)
<Terry_VanDoren@mcconnell.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Timing on Bill Wehrum

Terry—I wanted to check in to see if Bill's nomination is still on schedule for being on the floor tomorrow.

I appreciate your help, Terry.

Many thanks,

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Wehrum, William L.[wwehrum@hunton.com]; Harlow, David[harlow.david@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Vizian, Donna
Sent: Wed 11/8/2017 9:24:45 PM
Subject: Re: Timing on Bill Wehrum

It would be helpful if Bill came earlier so we can do fingerprints and badging in advance.

Please remember that we need him and the Administrator sign the affidavit. Howard can get that to Haley Monday morning.

On Nov 8, 2017, at 3:52 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

I won't be here in person for Monday (I'll be in Bonn). I've asked Hayley to FaceTime with me so I can witness this AMAZING event! Baring some wifi issues, I'll be present in the digital form.

Sent from my iPhone

On Nov 8, 2017, at 3:08 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Perfect. Thanks.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On Nov 8, 2017, at 1:50 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Let's do the swearing-in in the Administrator's office around 11:45AM/12PM on Monday. I'll have Pruitt come straight here from the airport to do it.

Bill, as we discussed earlier, once you know who is coming from your family, feel free to send their names directly to me so that they can easily get through security. You can have them enter the South building lobby and ask for me when they arrive.

Thanks all!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Jackson, Ryan

Sent: Wednesday, November 8, 2017 2:46 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz
<Bowman.Liz@epa.gov>; Wehrum, William L. <wwehrum@hunton.com>;
Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David
<harlow.david@epa.gov>; Dominguez, Alexander
<dominguez.alexander@epa.gov>; Brown, Byron <brown.byron@epa.gov>;
Vizian, Donna <Vizian.Donna@epa.gov>

Subject: Re: Timing on Bill Wehrum

His presence is important.

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Nov 8, 2017, at 1:08 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

FYI, the Administrator is flying in Monday morning. Do you want him present for this I believe? If so, can we do 1:45PM or so? If he doesn't need to be here, we can do first thing Monday morning, but I think you want him here.

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Jackson, Ryan

Sent: Wednesday, November 8, 2017 2:05 PM

To: Lyons, Troy <lyons.troy@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>

Cc: Wehrum, William L. <wwwehrum@hunton.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Brown, Byron <brown.byron@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>

Subject: Re: Timing on Bill Wehrum

All, Bill will arrive Monday for the swearing in. Hayley, we'd like to do it in the Administrator's office. Very short swearing in with Bill's immediate family. Liz, we'll take some shots with the official photographer. We won't need the green room. We'll all be set. Mandy and company can then escort him to the 5th floor. Donna, can we get Bill's computer and accounts set up for his arrival Monday? Thanks all.

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Nov 8, 2017, at 11:13 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Update--

Just locked in 2 votes for 4:15 today, 2nd of those vote is cloture on Wehrum, confirmation vote on him shooting for mid-day tomorrow.

Sent from my iPhone

On Nov 8, 2017, at 10:54 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

If it's early enough Thursday, Byron has a swearing official prepared.

However we can wait until Monday when the Administrator is present to do in his office or green room.

Ryan Jackson

Chief of Staff

U.S. EPA

(202) 564-6999

On Nov 8, 2017, at 9:38 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Update

McConnell is hopeful that the cloture vote occurs this evening and confirmation occurs around lunch time tomorrow. That could change, but that is our current hope/plan.

Sent from my iPhone

On Nov 7, 2017, at 11:28 AM, Wehrum, William L.
<wwehrum@hunton.com> wrote:

Thanks for the update.

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Tuesday, November 07, 2017 11:09 AM
To: Jackson, Ryan; Gunasekara, Mandy; Harlow, David; Dominguez, Alexander
Cc: Wehrum, William L.
Subject: FW: Timing on Bill Wehrum

FYI

From: Van Doren, Terry (McConnell)
[mailto:Terry_VanDoren@mcconnell.senate.gov]
Sent: Tuesday, November 7, 2017 11:04 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Timing on Bill Wehrum

Still too early to tell, but it may be that we invoke cloture on Wehrum on Thursday, start the 30 hour clock, and then do the confirmation vote upon our return Monday. Still too many moving pieces to know for sure. If we can get him confirmed before we leave this week, we will. Depends on attendance and how much Dems drag their feet on the NLRB nomination.

Terry Van Doren

Policy Advisor

Office of Majority Leader McConnell

Washington, DC 20510

(202) 224-3135

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]

Sent: Tuesday, November 7, 2017 10:48 AM

To: Van Doren, Terry (McConnell)

[<Terry_VanDoren@mcconnell.senate.gov>](mailto:Terry_VanDoren@mcconnell.senate.gov)

Cc: Palich, Christian [<palich.christian@epa.gov>](mailto:palich.christian@epa.gov)

Subject: Timing on Bill Wehrum

Terry—I wanted to check in to see if Bill's nomination is still on schedule for being on the floor tomorrow.

I appreciate your help, Terry.

Many thanks,

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

To: wwhehrum@hunton.com[wwhehrum@hunton.com]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Ringel, Aaron[ringel.aaron@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]
From: Frye, Tony (Robert)
Sent: Tue 10/3/2017 9:55:59 PM
Subject: Administrator Pruitt Confirmation Hearing Questions
[scott-pruitt-qfr-responses-01.18.2017.pdf](#)
[Sen Markey Questions - scott-pruitt-qfr-responses-01.18.2017.pdf](#)
[Adm. Pruitt Nom Hearing Transcript.pdf](#)

Hello All,

Attached please find the full hearing transcript for Administrator Pruitt's nomination [hearing](#). The dialogue with Senator Markey can be found on pgs. 63-67; 144-149; and 199-203 and the questions from Senator Harris can be found on pgs. 79-86.

I have also attached the questions for the record Administrator Pruitt received following his hearing. Additionally, I specifically pulled questions from Senator Markey; however, Senator Harris did not submit any questions for the record.

Let me know if you have any additional thoughts or questions.

Best,

Tony

Tony Frye

Special Assistant to the Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

Environmental Protection Agency

Phone: 202.564.0640

Cell: 202.603.3225

To: Webb, C. Flint[C.FLINT.WEBB@leidos.com]; Stephanie Glyptis[SGlyptis@AWMA.ORG]; Dominguez, Alexander[dominguez.alexander@epa.gov];
wwehrum@hunton.com[wwehrum@hunton.com]; Cindy Fontanesi[CFontanesi@AWMA.ORG];
Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; jcmuffat[jcmuffat@yahoo.com]
Cc: Tracy Fedkoe[TFedkoe@AWMA.ORG]; cnelson[cnelson@mmm.com];
michele.gehring@coterie-env.com[michele.gehring@coterie-env.com]
From: Fu, Joshua S
Sent: Mon 10/2/2017 9:03:00 PM
Subject: Re: (UPDATE) RE: Climate Change Keynote Mandy

It is a big release.

Joshua

On 10/2/17, 2:09 PM, "Webb, C. Flint" <C.FLINT.WEBB@leidos.com> wrote:

>Thank you for taking care of this!

>

>

>Flint Webb, P.E.

>C.Flint.Webb@Leidos.com

>Baltimore-Washington Chapter: Vice Chair

>Technical Council: Climate Change Division Vice Chair

>Finding Common Ground on Climate Change Mitigation and Adaptation:

> General Conference Chair

>South Atlantic States Section: Director

>Air & Waste Management Association

>Work: 571-526-7706

>Cell: 703-582-8094

>

>

>-----Original Message-----

>From: Stephanie Glyptis [mailto:SGlyptis@AWMA.ORG]

>Sent: Monday, October 02, 2017 2:04 PM

>To: dominguez.alexander@epa.gov; wwehrum@hunton.com; Cindy Fontanesi;

>Gunasekara.Mandy@epa.gov; jcmuffat; Webb, C. F. [US-US]

>Cc: Tracy Fedkoe; cnelson; michele.gehring@coterie-env.com

>Subject: EXTERNAL: (UPDATE) RE: Climate Change Keynote Mandy

>Importance: High

>

>Flint et al ~

>

>I just spoke with Alexander Dominguez from Mandy's office. They have

>worked within their offices, and Samantha Dravis, Associate Administrator

>of EPA's Office of Policy, will be stepping in to speak as the Keynote.

>

>Ms. Dravis' Chief of Staff will be in touch with Cindy and me (Alex will

>be connecting us) and we'll work to get all the information updated on

>our end (i.e., website, promotions, final program).

>

>Alex,

>My sincerest thanks to you and Ms. Gunasekara's office for working so

>diligently with us on our Keynote speaker even with Mandy's schedule

>change. On behalf of the Association we truly appreciate EPA's support

>and participation.

>

>All the best,
>Stephanie
>
>Stephanie M. Glyptis
>Executive Director
>Air & Waste Management Association
>420 Fort Duquesne Boulevard
>One Gateway Center, Third Floor
>Pittsburgh, Pennsylvania 15222 USA
>Phone: 412.232.3444 (x6006)
>Direct: 412.904.6006
>Fax: 412.232.3450
>sglyptis@awma.org
>www.awma.org
>
>-----Original Message-----
>From: Webb, C. Flint [mailto:C.FLINT.WEBB@leidos.com]
>Sent: Monday, October 02, 2017 12:08 PM
>To: Dominguez, Alexander <dominguez.alexander@epa.gov>
>Cc: William L. Wehrum <wwehrums@huntington.com>; Cindy Fontanesi
><CFontanesi@AWMA.ORG>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>;
>jcmuffat <jcmuffat@yahoo.com>
>Subject: RE: EXTERNAL: A&WMA's Conference "Finding Common Ground on
>Climate Change Mitigation and Adaption" Scheduled for October 10th and
>11th in Arlington VA
>
>Alex, What can we do to resolve the scheduling issue? Do we need to find
>a last minute replacement? It is probably too late to reflect the change
>in the Final Program.
>
>
>Flint Webb, P.E.
>C.Flint.Webb@Leidos.com
>Baltimore-Washington Chapter: Vice Chair Technical Council: Climate
>Change Division Vice Chair Finding Common Ground on Climate Change
>Mitigation and Adaptation:
>General Conference Chair
>South Atlantic States Section: Director
>Air & Waste Management Association
>Work: 571-526-7706
>Cell: 703-582-8094
>
>
>-----Original Message-----
>From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
>Sent: Monday, October 02, 2017 11:59 AM
>To: Webb, C. F. [US-US]; Dominguez, Alexander
>Cc: William L. Wehrum; cfontanesi@awma.org
>Subject: Re: EXTERNAL: A&WMA's Conference "Finding Common Ground on
>Climate Change Mitigation and Adaption" Scheduled for October 10th and
>11th in Arlington VA
>
>I have a scheduling issue on the 10th that needs to be worked out. I
>apologize. Please work with Alex (CC'd).
>
>Sent from my iPhone

>
>> On Oct 2, 2017, at 11:49 AM, Webb, C. Flint <C.FLINT.WEBB@leidos.com>
>>wrote:
>>
>> Thank you for stepping up to keynote our conference at the at the
>>DoubleTree hotel at 300 Army Navy Drive, Arlington, VA, October 10th.
>>As General Conference Chair, I will have the honor of introducing you
>>and I wanted to go over a few things ahead of time.
>>
>> Bio: Please provide me with a brief bio for me to use to introduce you.
>> How do you want us to show your name in the program?
>> 1) Amanda (Mandy) Gunasekara, Senior Policy Advisor to the
>>Administrator for the Office of Air and Radiation, U.S. EPA
>> 2) Amanda Gunasekara, ...
>> 3) Mandy Gunasekara, ...
>>
>> Speaker's Breakfast: There will be a speaker's Breakfast. There is a
>>Presenter's Breakfast 7:30-8:30 am. There will be tables set up for
>>each conference session. I will be at the Climate Communication Panel
>>Session table. I would recommend that you come to the Breakfast so you
>>can find out about any last-minute changes. You can also check the web
>>site <https://www.awma.org/content.asp?admin=Y&contentid=311> for the
>>final program.
>>
>> Presentation: Please provide me with your PowerPoint presentation and I
>>will load it onto the computer for presentation.
>>
>> Schedule: After the Presenter's Breakfast at 8:30-8:40 am I am
>>scheduled to make a few welcoming remarks after which I will introduce
>>you. Please try to keep your presentation to 20-30 minutes so there is
>>adequate time for questions and answers. I will give you 5, 3 and 2
>>minute warning using hand signals. After your presentation I will thank
>>you and introduce Clara Poffenberger who will then introduce the Climate
>>Policy Update Panel. Our understanding is that you will not be able to
>>join us on the panel, but if that is correct let me know and we can
>>include you on the panel. The panel is scheduled to run from 9:10-10:10
>>am.
>>
>> If you have ANY questions please don't hesitate to contact me or Cindy
>>Fontanesi (copied on this e-mail). Cindy is our conference planner.
>>
>> See you on the 10th!
>>
>> Flint Webb, P.E.
>> C.Flint.Webb@Leidos.com
>> Baltimore-Washington Chapter: Vice Chair Technical Council: Climate
>> Change Division Vice Chair Finding Common Ground on Climate Change
>> Mitigation and Adaptation:
>> General Conference Chair
>> South Atlantic States Section: Director Air & Waste Management
>> Association
>> Work: 571-526-7706
>> Cell: 703-582-8094
>> -----Original Message-----
>> From: Jeffry Muffat [mailto:jcmuffat@yahoo.com]
>> Sent: Thursday, September 14, 2017 8:08 AM